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Attorneys for Plaintiff
Barbara Kob

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Barbara Kob,

Plaintiff,

v.

County of Marin; and DOES 1 through 50,

Defendant.

Case No.: USDC 07 2211 JL

STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE THE TRIAL DATE AND
ALL CORRESPONDING DEADLINES

Hon. James Larson

IT IS HEREBY STIPULATED by and between the parties to continue the presently scheduled trial date from June 1, 2009, to a new date and time that is convenient to the Court and the parties. The parties have also agreed to extend all corresponding deadlines, including discovery and dispositive motion deadlines, to correspond with the new trial date. The parties are willing to participate in a telephone conference with the Court, as necessary, to select new dates and times.

STIPULATION AND PROPOSED ORDER CONTINUING THE TRIAL DATE AND ALL
CORRESPONDING DEADLINES – KOB v. COUNTY OF MARIN

There is good cause for the stipulation to extend time as follows:

- Recent Unavailability of Lead Trial Counsel: The primary purpose of this request is the recent and unexpected unavailability of lead trial counsel for the plaintiff. In particular, plaintiff's lead trial counsel, David M. Poore, was recently assigned a courtroom for jury trial in the priority matter of *Smith v. San Juan Unified School District*, Sacramento Superior Court Case No. 05AS03772, a civil action involving civil rights violations and allegations of custodial abuse of a seven-year old autistic child. The case is set for an anticipated 20-to-30 day jury trial on June 16, 2009, with extensive pre-trial evidentiary hearings, including motions in limine, commencing on June 8, 2009. Furthermore, given the age of the minor and length of the trial, the trial judge has indicated that these dates are firm, and no continuances will be granted. Given these conflicts, it would be impossible for plaintiff's lead trial counsel to prepare and try these two matters almost simultaneously. The parties stipulate and agree that this trial conflict constitutes good cause to continue this matter.
- Need to Complete Fact and Expert Discovery: Good cause further exists in that the parties need additional time to conduct the necessary discovery in this case. The parties are presently completing written discovery, and will commence with deposition discovery in approximately February 2009. Given the complex nature of the pattern and practice allegations in this case, the parties do need additional time to finish fact discovery, including the necessary depositions, and retain the appropriate experts to analyze this matter and prepare the necessary reports.
- No Prior Trial Continuance Requests: The parties have not made any prior requests for a continuance of the trial in this matter.
- Judicial Economy and No Prejudice: The parties are not making this request for any improper purpose, including undue delay. Instead, the parties agree that judicial economy will be served if this request is granted. In particular, allowing additional time will limit unnecessary motion practice for discovery disputes that can be informally resolved through the meet and confer process; provide the parties with additional time to carefully prepare the case for trial and reach necessary stipulations regarding documents and potentially expected testimony; and avoid unnecessary conflicts between the pending *Smith* matter above and the trial of this matter.

Moreover, neither party would suffer any prejudice if the trial date was continued; instead, the parties have stipulated to this request.

SO STIPULATED.

Dated: January 12, 2009

PATRICK K. FAULKNER
COUNTY COUNSEL

By: _____
Stephen R. Raab
Deputy County Counsel

Dated: March 12, 2009

KAHN BROWN & POORE LLP

By: _____
David M. Poore
Attorney for Plaintiff

PROPOSED ORDER

THE COURT HEREBY ORDERS AS FOLLOWS:

The parties' request to continue the trial date is GRANTED. The presently set jury trial date on June 1, 2009, and all corresponding deadlines are hereby VACATED.

The parties request to continue all corresponding deadlines, including discovery and dispositive motion deadlines, to coincide with the new jury trial date is GRANTED.

The parties are ordered to appear at a Further Case Management Conference/~~Telephone~~
~~Conference~~ on April 22, 2009, at 10:30 a.m./~~p.m.~~ to set a trial date and new deadlines.

SO ORDERED

DATED: March 17, 2009



HON JAMES LARSON